

SIKKIM
GOVERNMENT  **GAZETTE**

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No. 20

**GOVERNMENT OF SIKKIM
EXCISE (ABK) DEPARTMENT
GANGTOK**

No. 5/ Ex (Abk)

Dated: 19.01.09.

NOTIFICATION

In exercise of powers conferred by clause (a) of section 77 read with section 27 of the Sikkim Excise Act 1992, (2 of 1992), the State Government hereby makes following rules to amend the Sikkim Excise (Distillery for manufacture of spirit and foreign liquor) Rules 2000, namely:-

Short title and commencement 1. (1) These rules may be called the Sikkim Excise (Distillery for manufacture of spirit and foreign liquor) Amendment Rules 2008.(2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 3 2. In the Sikkim Excise (Distillery for manufacture of spirit and foreign liquor) Rules 2000 (hereinafter referred to as the said rules), for the existing sub-rule (2) of rule 3, the following shall be substituted namely-

“(2) Once the application is entertained the applicant shall furnish the following particulars and documents to the Commissioner:-

(i) the name or names and the address or addresses, of the person or persons applying: Provided that if the applicant is a firm, a company or a corporation, the following documents shall have to be submitted:-

(a) deed of partnership, if any, (b) copies of memorandum and articles of association, (c) list of shareholders, (d) a copy of the latest balance sheet; (e) names and addresses of their directors, managing agents, managers and officers as defined in section 2 of the Companies Act, 1956, and (f) a copy of Board's resolution relevant to the application;

(ii) the purpose for which the manufactory is proposed to be opened specifying in detail the nature of business which the applicant desires to carry on therein;

(iii) the name of the place in which, the site on which and the building in which the manufactory is to be set up;

(iv) the number and full description of the stills, vats, and other permanent apparatus which the applicant wishes to install and the size and capacity thereof;

(v) the date of commissioning of the manufactory in the event of a licence being granted to him;

(vi) three copies of approved plan of the buildings which he intends to use or to construct for his manufactory and layout plan showing the position of stills, vats and other permanents apparatus along with a list of storeroom, warehouses, etc. connected therewith;

(vii) an affidavit before a competent authority on the non –conviction of the applicant by criminal court of a non-bailable offence;

(viii) an affidavit before a competent authority on whether the applicant or any of his partners holds on the date of application, held at any time in the past, individually or in partnership with others, any license for the sale of foreign liquor and if so, the details;

(ix) project report, cost benefit analysis, estimated production and market feasibility;

(x) certificate of incorporation from Law Department, Government of Sikkim;

(xi) copy of the Industrial licence (Provisional licence registration certificate from Industry Department Government of Sikkim);

(xii) estimated quantity of raw materials required to be imported from other states;

(xiii) Copy of fire service licence; and

(xiv) A clearance from the proper authority in the matter of environmental pollution if necessary, and any other particulars as may be required by the Excise Commissioner;

Amendment of rule 4

3. In the said rules, in rule 4, for sub rule (3), the following shall be substituted, namely:-“(3) On approval of the Government the applicant shall be issued with a provisional licence the validity period of which shall be for a period of two years. The applicant shall take all effective steps and set up the manufactory within a period of two years. He shall also deposit an amount of Rs. 25,000 (Rupees Twenty five thousand) as Security Deposit in favour of Commissioner Excise for fulfillment of this condition. In event of his failure to set up the manufactory within the period of two years, security deposit of Rs. 25,000 shall be forfeited and no further extension of time shall be granted. If the applicant sets up the manufactory unit and obtains Excise licence under rule 8, the Security Deposit of Rs. 25,000 shall be adjusted as part of Security Deposit as provided under clause (c) of sub rule (1) of rule (8)

Amendment of rule 33

4. In the said rules, in rule 33, after the word “Liquor” the following sentence shall be added, namely:-Any manufacturer of Indian Made Foreign Liquor having located in the state other than state of Sikkim desire to enter into such collaboration with the distilleries/any bottling units in Sikkim shall obtain the permission from Government for collaboration on payment of annual fee of Rs. 1 Lakh along with security deposit equal to the amount of annual fee for the fulfillment of the condition. This is applicable for existing units also.

Nalini G. Pradhan
Secretary to the Government of Sikkim
Excise (ABK) Department